

FILED
U.S. DISTRICT COURTIN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

2008 AUG -7 A 10:37

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

ARTHUR G. ROSE,

Plaintiff,

vs.

DONALD WINTER, Secretary, Department
of the Navy,

Defendant.

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 1:06 CV 129 TC

Before the court is Defendant's motion to dismiss this action for improper venue or alternatively, transfer this case to the proper judicial district.. The court referred this case to Magistrate Judge David O. Nuffer pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). On July 17, 2008, Judge Nuffer issued his report and recommendation recommending transfer of the case to the Southern District of California on the basis that all allegations contained in the Plaintiff's complaint took place while Plaintiff was employed by the Department of the Navy in San Diego, California.

The parties were given ten days to file objections to the Report and Recommendation and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. No objections were filed.

The court, after thorough review of the Report and Recommendation, agrees that Judge

Nuffer's conclusions are correct in all respects, and hereby adopts the United States Magistrate Judge's Report and Recommendation as the order of the court. The clerk of the court is ordered to transfer this case to the Southern District of California.

DATED this 7th day of August, 2008.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
Chief Judge